

**REMARKS****RECEIVED  
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Reconsideration and allowance are respectfully requested.

Claims 1-10 are pending in the application.

Claims 1-10 have been amended by cancelling the reference numbers.

Claim 1 has also been amended in order to overcome the Examiner's objections.

Claims 2 and 4 have been amended to comply with the amendments to claim 1.

Claims 9 and 10 have been amended to overcome the objections thereto.

The amendments to the claims do not introduce new matter, since they contain only limitations that were disclosed in the original application.

**Claim Rejections - 35 U.S.C. 102**

Claims 1-3 stand rejected under 35 U.S.C. 102(b) as being anticipated by German Patent DE 3531728.

Claim 1, as amended, recites: "*[...] at least one wheel movable between a first position of reception of the tubular elements and a second position of alignment of the tubular elements with the sealing means; said wheel being rotatable around an axis which is perpendicular to a transportation direction of the tubular elements in the proximity of the wheel.*"

German Patent '728 does not disclose all the features of claim 1 as amended. In fact, it discloses wheels ("Dornenrädern" 21) which rotate around an axis parallel to the transportation direction (see "Förderband" 18 in Figure 1) of the tubular elements in the proximity of said wheel. Thus, German Patent '728, at the least, does not disclose or suggest a wheel of the type required in claim 1, since the wheels disclosed in German Patent '728 do not rotate around an axis perpendicular to such transportation direction of the tubular elements.

Therefore, it is respectfully requested that this rejection be withdrawn.

### Claim Rejections - 35 U.S.C. 103

Claims 4-8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent '728 in view of Japanese Patent JP63082736.

Claim 9 stands rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent '728 in view of Reil.

Claim 10 stands rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent '728 in view of Williams.

As stated above, German Patent '728, at the least, does not disclose a *"wheel being rotatable around an axis which is perpendicular to a transportation direction of the tubular elements in the proximity of the wheel"*.

Such deficiency is not corrected by any of the documents of record.

In fact, Japanese Patent JP63082736 discloses a wheel (60) which rotates around an axis which is parallel to a transportation direction of the tubular elements in the proximity of said wheel (see the portion of the conveying line indicated with the reference 45 in figure 1 of Japanese Patent).

Reil shows that the sealing means (sealing station 62) are far from the driving wheel, since it makes necessary an endless chain and a further direction reversing wheel (47) to take the tubular elements to the sealing station. Thus, Reil does not disclose *"at least one wheel movable between a first position of reception of the tubular elements and a second position of alignment of the tubular elements with the sealing means"*.

It is also noted that Reil discloses a structure which would not be compatible at all with German Patent, since it is not possible to combine a driving wheel like the one disclosed in Reil with the machine disclosed in the German Patent. In fact, such a wheel cannot be fed with tubular elements as oriented according to the German Patent, since such tubular elements are oriented perpendicularly to a correct feeding direction of the

wheel and thus they are oriented in a direction which does not allow the feeding of the tubular elements to such a wheel.

Therefore, the driving wheel disclosed in Reil would not work if being implemented in the machine disclosed in German Patent in place of the respective "Domenrädern" (21) of German Patent itself, and also there is no expectation that such resulting machine, obtained modifying such a machine with a wheel according to Reil, will work. In fact, several modifications to the machine disclosed in the German Patent would be required to allow the wheel disclosed in Reil to be correctly implemented thereto. In particular, the forming device of the machine which forms the tubular elements would have to be modified in order to orient the latter in a correct way. Neither Reil nor the other cited references teach or suggest such modifications.

Williams only discloses an apparatus for opening folded corrugated cartons. Williams, at the least, does not disclose any device for forming tubular elements, since it only refers to the opening step of formed cartons.

For these reasons, the claims are felt to be nonobvious and patentable over the German Patent in view of any of the prior documents cited above.

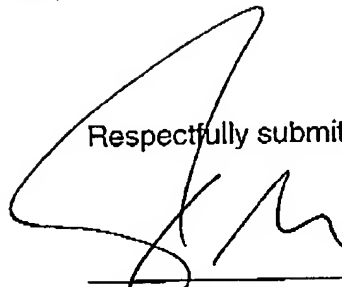
The remaining claims, depending upon claim 1, are felt to be patentable too for the reasons above explained, as well as for the further limitations contained therein.

Therefore, it is respectfully requested that these rejections be withdrawn.

### **Conclusion**

All matters having been addressed above and in view of the pending claims and remarks, Applicant respectfully requests the entry of this Amendment, the Examiner's reconsideration of the application, and the timely allowance of the pending claims. Applicants' counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this application.

Respectfully submitted,

  
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